



**CRM-M-31581-2024**

**-1-**

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**210**

**CRM-M-31581-2024  
Date of Decision: 17.09.2025**

**MUSHBIR HUSSAIN @ MUBASHIR HUSAIN ... PETITIONER**

**VERSUS**

**STATE OF PUNJAB ... RESPONDENT**

**CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Satnam Singh Gill, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

**H.S. Grewal, J.(Oral)**

1. This petition has been filed for grant of regular bail under Section 439 of Cr.P.C in case FIR No. 96 dated 13.07.2023 under Section 22 of NDPS Act registered at Police Station Shmabu District Patiala.

2. The case of the prosecution is that on 13.07.2023 upon seeing the police, the petitioner threw a bag containing intoxicant capsules, and the bag was subsequently recovered by the police. On search of the bag, the petitioner was found in possession of 125 strips (each containing 8 intoxicant capsules) and one strip containing 6 capsules, total 1006 intoxicant capsules of the make SPASMO PROXYVON PLUS, later found to contain salt Tramadol Hydrochloride without any permit or license.



**CRM-M-31581-2024**

**-2-**

3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. The alleged recovery was a chance recovery. He further submits that the petitioner is not involved in any other case under NDPS Act. The petitioner is in custody since 13.07.2023.

4. Learned State counsel has opposed the prayer made by the learned counsel for the petitioner. He has filed the custody certificate dated 16.09.2025 of the petitioner in the Court today and the same is taken on record. As per which, the petitioner is in custody for the last 02 years 01 month and 30 days. He has not disputed the fact that the petitioner is not involved in any other case under NDPS Act. He further submits that out of 12 cited prosecution witnesses only 06 witnesses have been examined so far.

5. I have heard the learned counsel for the parties and perused the record.

6. Keeping in view the above facts and circumstances of the case and the fact that the petitioner is in custody for more than 02 years 01 month and 30 days; out of 12 cited prosecution witnesses only 06 witnesses have been examined so far and the petitioner is not involved in any other case under NDPS Act, the continuous detention of the petitioner would not serve the ends of justice, therefore, this Court deems it a fit case to grant the concession of regular bail to the petitioner during the pendency of the trial.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the

**CRM-M-31581-2024****-3-**

satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. It is clarified that if on bail so granted through the instant order, the applicant is found indulging in any other criminal case it shall be open to the State to seek cancellation of his bail.

**17.09.2025***renu***(H.S.GREWAL)  
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No